

**RESOLUTION RENEWING THE CITY COUNCIL'S DECLARATION OF
A LOCAL PUBLIC HEALTH EMERGENCY WITH RESPECT TO SAFE,
AFFORDABLE ACCESS TO MEDICAL CANNABIS IN THE CITY OF
OAKLAND**

WHEREAS, under federal law, the Controlled Substance Act ("CSA") regulates the cultivation, possession, and distribution of cannabis regardless of whether it is possessed for legitimate medical purposes; and

WHEREAS, on November 5, 1996, the voters of California passed Proposition 215, the Compassionate Use Act of 1996, by a YES vote of 55.7 percent, and the residents of Oakland voted YES for Proposition 215 by an overwhelming 79.3 percent; and

WHEREAS, marijuana has been shown to help alleviate pain and discomfort in people suffering from a variety of illnesses including AIDS, cancer, glaucoma, and multiple sclerosis when no other medications have been effective; and

WHEREAS, the City Council of the City of Oakland finds that many of Oakland's residents are suffering from life-threatening or serious illnesses whose painful symptoms are alleviated by the ingestion of cannabis; and

WHEREAS, there is a need to ensure that patients have access to a safe and affordable supply of medical grade marijuana and cannabis products; and

WHEREAS, in 1996 the Oakland City Council passed Resolution No. 72516 C.M.S. supporting distribution of medical cannabis and declaring it to be the policy of the City of Oakland that the investigation and arrest of certain individuals involved with the medical use of marijuana should be a low priority for the City of Oakland; and

WHEREAS, the Oakland Cannabis Buyers Cooperative provided medical cannabis to two thousand two hundred (2,200) seriously ill persons, approximately two-thirds of whom are living with AIDS, leaving those patients with no safe and affordable access to medical cannabis and closure of the cooperative impaired public safety by encouraging a market for street narcotic peddlers to prey upon Oakland's ill residents by selling them marijuana that may be contaminated and will be of unknown content and potency; and

WHEREAS, on October 27, 1998, the City Council passed Resolution No. 74618 C.M.S. declaring a local public health emergency with respect to safe, affordable access to medical cannabis in the City of Oakland; and

WHEREAS, a dispensary that the City authorized pursuant to Oakland Municipal Code Chapter 5.80 to distribute medical cannabis to persons who qualify for such medicine under California Proposition 215, received a letter dated December 7, 2007 alerting the dispensary that the Drug Enforcement Administration ("DEA") has determined that the owner or operator of the dispensary is violating federal law and is subject to criminal prosecution, imprisonment, fines and forfeiture of assets; and

WHEREAS, on December 7, 2007, Representative John Conyers, Chair of the U.S. House Judiciary Committee, questioned efforts to undermine California state law and expressed deep concern about recent reports that the DEA is threatening private landlords if they don't evict organizations legally dispensing medical marijuana to suffering patients; and

WHEREAS, in 2009 as a result of the passage of Measure F, codified in OMC Section 5.04.480, Oakland became the first US city to tax Medical Use sales; and

WHEREAS, in 2012 the States of Colorado and Washington became the first states to legalize adult recreational use of cannabis; and

WHEREAS, in July 2012, the federal government moved to seize Harborside Health Center's two retail properties in Oakland; and

WHEREAS, in 2013 a memorandum from Deputy Attorney General James Cole

WHEREAS, in 2017 the State legislature passed S.B. 94, or the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), the reconciliation legislation merging the regulation of medical and adult-use cannabis at the State level as much as possible. S.B. 94 generally imposes the same requirements on both commercial medicinal and commercial adult-use cannabis activity, with specific exceptions. The governor signed S.B. 94 on June 27, 2017; and

WHEREAS, 23 states and the District of Columbia allow qualifying patients to use medical cannabis; and

WHEREAS, the federal government still categorizes marijuana as a Schedule 1 controlled substance, which means the federal government considers marijuana as dangerous as heroin with no medical use and high potency for abuse; and

WHEREAS, the Schedule 1 classification is at odds with medical use laws throughout the country, including local laws in Oakland and California; and

WHEREAS, the threat of criminal prosecution, imprisonment, fines and forfeiture of assets is threatening the supply of medical cannabis to persons who are in need of medical cannabis to ameliorate their pain and suffering from a variety of injuries and illnesses and has the potential to and may already be exacerbating the local public health emergency that exists with respect to access to an affordable and safe supply of medical cannabis; now, therefore, be it

RESOLVED: That the City Council of the City of Oakland finds that a continuing public health emergency exists with respect to access to an affordable and safe supply of medical cannabis, and pursuant to Government Code section 8630 does so declare; and be it

FURTHER RESOLVED: That the City Council finds that the thousands of seriously ill persons who obtain medical cannabis from the medical cannabis dispensaries authorized by the Council pursuant to OMC Chapter 5.80, would endure great pain and suffering and in some cases may die as a result of the closure of Oakland's authorized medical cannabis dispensaries; and be it

seriously consider the rescheduling of marijuana from a Schedule I controlled substance and allow states to implement their own laws that authorize the use, distribution, possession, or cultivation of medical marijuana. A copy of this resolution shall be forwarded to him/her with this paragraph highlighted.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE: